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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,513	02/28/2000	Joseph Chappell	07678/011003	8901
32301	7590	09/23/2005	EXAMINER	
CATALYST LAW GROUP, APC 9710 SCRANTON ROAD, SUITE S-170 SAN DIEGO, CA 92121			KALLIS, RUSSELL	
ART UNIT		PAPER NUMBER		
		1638		

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notice of Non-Compliant Amendment (37 CFR 1.121)</b>	Application No.	Applicant(s)
	09/514,513	CHAPPELL ET AL.
	Examiner Russell Kallis	Art Unit 1638

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 15 July 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_.
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_.
- 3. Amendments to the drawings:
  - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - C. Other \_\_\_\_\_.
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: See Continuation Sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognitice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Continuation of 4(e) Other: Claims 30 and 31 are listed as previously presented in the amendment filed 7/15/2005. Since the 7/15/2005 amendment was non-compliant these claims have not been entered in their entirety. Moreover claims 30 and 31 have not yet been examined because the claim set filed 3/31/2005 was non-compliant and was not entered in its entirety. The most recently entered claim set was filed on 11/15/2004 that did not include claims 30 and 31. Further, it is not necessary to repeat the amendment of line 3 in claim 1 and claim 24, i.e."the production" since that was already incorporated into the 11/15/2004 version of Claim 1 and Claim 24. However, the other changes to the claims that were not a part of the 11/15/2004 amendment should be indicated with either strikethrough or underline or presented as new claims where appropriate. See claim 7 part (d) lines 6-8; claim 9 line 2 "the" is not underlined and "a" from the 11/15/2004 claim set is not struck through; claim 16 part (d) lines 6-8 are not underlined; claim 17 line 2; claim 21 part (c) line 2. Applicant is strongly urged to review all the amendments relative to the claims filed 11/15/2004. Applicant is invited to contact the examiner with any questions so that any further delays in the prosecution of the application can be avoided .

RUSSELL P. KALLIS, PH.D.  
PATENT EXAMINER

Russell Kallis